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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/007,784

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EXAMINER

CHERRY, EUNCHA P

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/007,784

Applicant(s)

WIKLOF ET AL.

Examiner

EUNCHA P. CHERRY

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 1-9, 15-37 and 41-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-14 and 38-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of Groups II and V-Vii, claims 10-14, 38, 39 and 40 in the reply filed on 1/5/06 is acknowledged. The traversal is on the ground(s) that search and examine of the entire application would not be serious burden on examiner. This is not found persuasive because it is serious burden to search and examine every group.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-9, 15-37 and 41-44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 1/5/06.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 10, 11 and 38-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakagawa (US 6,064,471).

Nakagawa discloses a scanner (Fig. 1) comprising a beam generator operable to generate a scan beam (1); a beam detector operable to read a return beam reflected from a target (Fig. 2, 20); a beam-reflector assembly having a mirror (4), a shaft (5), and a first magnet (6), the mirror operable to sweep the scan beam across the target; and a beam-sweep mechanism (7) having a second magnet (8) and operable to retain the mirror of the beam-reflector assembly in and return the mirror to a home position by attraction the first magnet with the second magnet (3a) and rotate the mirror of the beam-reflector assembly back and forth about the shaft in an underdamped manner by repelling the first magnet with the second magnet (see Figs. 3b and 3c). The mirror of the beam-reflector assembly is operable to direct the return beam to the beam detector while sweeping the scan beam across the target (see Figs. 3a-3c).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa in view of Shepard et al (US 5,206,492).

Nakagawa teaches a scanner as describe above, but does not teach a button that is coupled to the beam-sweep mechanism and that is operable to cause the beam-sweep mechanism to rotate the mirror of the beam-reflector assembly back and forth when pushed and cause the beam-sweep mechanism to retain the mirror of the beam-reflector assembly in or return the mirror to the home position when released.

Shepard et al teaches a button (Figure 2 reference 13) that is coupled to the beam-sweep mechanism (reference 24) and that is operable to cause the beam-sweep mechanism to rotate the mirror (reference 22) of the beam-reflector assembly back and forth when pushed and cause the beam-sweep mechanism to retain the mirror of the beam-reflector assembly in or return the mirror to the home position when released (column 6 line 25 - column 7 line 32). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the button

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of Shepard et al in the scanner of Nakagawa et al in order to provide a means to activate the scanner.

### ***Conclusion***

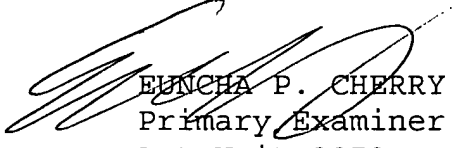
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yokoyama et al (US 6,094,293) discloses an optical scanner having a sweeping mechanism using magnets.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUNCHA P. CHERRY whose telephone number is 571-272-2310. The examiner can normally be reached on M-F 6:30-4:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DREW DUNN can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EUNICE P. CHERRY  
Primary Examiner  
Art Unit 2872

3/20/06